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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Intellectual Property Administration

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EXAMINER

FAROOQ, MOHAMMAD O

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,686

Applicant(s)

BOLL, DAVID

Examiner

Mohammad O. Farooq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,11,13-16,18-22,24-29 and 31-36 is/are rejected.
- 7) ☒ Claim(s) 9,12,17,23 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-7, 10, 15, 18-21, 26-28, 32, 33 and 37 are rejected under 35

U.S.C. 102(b) as being anticipated by Criscito et al. U.S. Pat. No. 5,854,945.

2. As to claim 1, Criscito et al. teach apparatus comprising:

an image scanner (bar code scanner is a form of image scanner; item 60, fig. 6)
including a first port and a second port coupled together through a communications bus
(see fig. 6);

a keyboard (item 14, fig. 6) connected to the image scanner via the image
scanner's first port (see fig. 6); and

control logic (control 58, fig. 6) associated with the communication bus, the
control logic configured to control the passage of data over the communication bus such
that data is selectively diverted for use by the image scanner (see fig. 6; col. 6, line 61-
col. 7, line 58).

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3. As to claim 3, Criscito et al. teach apparatus further comprising a computer (item 20a, fig. 6) connected to the image scanner via the image scanner's second port, where the communication bus passes commands from the keyboard directly (items 71b, 72b, fig. 6) to the computer.

4. As to claims 4 and 5, Criscito et al. teach apparatus wherein the control logic is configured to detect the presence of commands from the keyboard (via lines 73bb and 74bb, fig. 6) and control logic routes commands from the keyboard to the computer (via TG2 and TG1, fig. 6).

5. As to claims 6 and 7, Criscito et al. teach apparatus wherein keyboard enable logic (item 62, fig. 6) associated with the control logic and the keyboard enable logic instructs the control logic to route commands from the keyboard to a keyboard/image scanner interface (see fig. 6).

6. As to claim 10, Criscito et al. teach apparatus wherein Keyboard/image scanner interface (items 12, 65a, fig. 6) is configured to receive keyboard commands (via lines 73bb and 74bb, fig. 6) from the control logic and forward the keyboard commands (via line 58, fig. 6) to a processor of the image scanner (item 64, fig. 6).

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7. As to claim 15, Criscito et al. teach method comprising:

Connecting an image scanner to a computer over a communication bus in the image scanner (see items 60 and 20a, fig. 6); and

Connecting a keyboard to the image scanner via the communication bus where the communication bus passes commands from the keyboard directly to the computer (see fig. 6); and

Selectively diverting commands from the communication bus for use by the image scanner (col. 6, line 61- col. 7, line 58).

8. As to claim 26, Criscito et al. teach a scanner comprising:

a scanner input element (item 54, fig. 6) to scan a document;

control logic coupled to the scanner input element (item 64, fig. 6);

a first connection coupled to the control logic to which a user-activated input device can be connected (i.e. keyboard; item 14, fig. 6);

a second connection coupled to the control logic to which a computer can be connected (item 20a, fig. 6);

wherein the control logic selectively permits input signals from the input device to be provided to the scanner to control the scanner and permits input signals from the input device to be provided to the computer to control the computer (see fig. 6; col. 6, line 61 – col. 7, line 58).

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9. As to claim 28, Criscito et al. teach wherein the input device comprises a keyboard (item 20a, fig. 6).

10. As to claim 32, Criscito et al. teach system, comprising:

a computer (item 20a, fig. 6);

a scanner coupled to the computer (item 60, fig. 6); and

a keyboard coupled to the scanner (item 14, fig. 6);

wherein the scanner is configured to pass keyboard commands to the computer and to selectively use keyboard commands to control a function of the scanner based on a user-controlled signal (fig. 6; col. 6, lines 61 – col. 7, line 58).

11. Claims 18-21 are method claims of apparatus claims 4-7. Criscito et al. teach apparatus as set forth in claims 4-7. Therefore, Criscito et al. also teach method as set forth in claims 18-21.

12. Claim 27 is similar to apparatus claim 3. Criscito et al. teach apparatus as set forth in claim 3. Therefore, Criscito et al. also teach apparatus as set forth in claim 27.

13. Claims 33 and 37 are similar in limitations as claim 10. Criscito et al. teach apparatus as set forth in claim 10. Therefore, Criscito et al. also teach apparatus as set forth in claims 33 and 37.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 8, 16 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criscito et al. U.S. Pat. No. 5,854,945 in view of Raasch et al. U.S. Pat. No. 5,280,283.

15. As to claim 8, Criscito et al. do not teach power detector coupled to the communications bus, the power detector configured to detect power signal from a computer.

Raasch et al. teach power detector coupled to the communications bus, the power detector configured to detect power signal from a computer (col. 2, lines 18-36). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Criscito et al. and Raasch et al. because the would provide conservation of power for the system (col. 2, lines 29-36).

16. Claim 16 is method claims of apparatus claim 8. Criscito et al. and Raasch et al. teach apparatus as set forth in claim 8. Therefore, Criscito et al. and Raasch et al. also teach method as set forth in claim 16.

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17. Claim 29 is similar to apparatus claim 8. Criscito et al. and Raasch et al. in combination teach apparatus as set forth in claim 8. Therefore, Criscito et al. and Raasch et al. in combination also teach apparatus as set forth in claim 29.

18. Claims 11, 13, 14, 22, 24, 25, 31 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criscito et al. U.S. Pat. No. 5,854,945 in view of Raasch et al. U.S. Pat. No. 5,280,283 further in view of Davis et al. U.S. Pat. No. 6,167,462.

19. As to claims 11, 13 and 14, neither Criscito et al. nor Raasch et al. teach wherein keyboard commands correspond to an email address, a network interface module coupled to the keyboard/image scanner interface configured to connect the image scanner to an external network, and a document scanned by the image scanner is electronically mailed over the external network.

Davis et al. teach wherein keyboard commands correspond to an email address (since scanner is used in a network to transfer documents; see fig. 5 and 6), a network interface module coupled to the keyboard/image scanner interface configured to connect the image scanner to an external network (see fig. 1, 5 and 6), and a document scanned by the image scanner is electronically mailed over the external network (see fig. 5 and 6; col. 3, lines 32-41). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Criscito et al. and Raasch et al. to incorporate Davis et al. because that would provide the user of the system to utilize the remote scanner located on server computer system or remote scanner located on computer system (col. 3, lines 32-41).

20. As to claim 31, neither Criscito et al. nor Raasch et al. teach a display device coupled to the control logic and a user can cause the information to be shown on the display via operation of the input device connected to the scanner.

Davis et al. teach a display device coupled to the control logic and a user can cause the information to be shown on the display via operation of the input device connected to the scanner (item 110, fig. 1). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Criscito et al. and Raasch et al. to incorporate Davis et al. because that would provide display the name of the computer system that is using the scanner (col. 1, lines 13-17).

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21. Claims 22, 24 and 25 are method claims of apparatus claims 11, 13 and 14.

Criscito et al., Raasch et al. and Davis et al. in combination teach apparatus as set forth in claims 11, 13 and 14. Therefore, Criscito et al., Raasch et al. and Davis et al. in combination also teach method as set forth in claims 22, 24 and 25.

22. Claims 34-36 are similar in limitations as claims 31, 13 and 14. Criscito et al., Raasch et al. and Davis et al. in combination teach apparatus as set forth in claims 31, 13 and 14. Therefore, Criscito et al. and Raasch et al. and Davis et al. in combination also teach apparatus as set forth in claims 34-36.

Allowable Subject Matter

23. Claims 9, 12, 17, 23 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

24. Applicant's arguments filed September 16, 2004 have been fully considered but they are not persuasive.

The examiner disagrees with the applicant, reference Criscito et al. do not teach "...data is selectively diverted for use by the image scanner". The examiner would like to point out col. 6, line 61 – col. 7, line 58 of the above mentioned reference, where there is control section of the scanner and the scanner detects states such as "KB present" and "KB absent"; and based on the condition, data is selectively diverted as the applicant claims to be the invention. Therefore, the examiner retains the rejection of old claims and newly presented claims.

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad O. Farooq
May 12, 2005



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